

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:07CR3148
)
v.)
)
GUSTAVO A. AVALOS,) ORDER
)
Defendant.)

IT IS ORDERED,

The oral motion of counsel for defendant is granted and,

The change of plea is continued to November 17, 2008 at 11:30 a.m.

The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

The defendant shall be present at the hearing.

Dated November 3, 2008.

BY THE COURT

s/ David L. Piester

David L. Piester
United States Magistrate Judge